

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

JONATHAN HALE

v.

WILLIAM SMITH, et al.

)  
)  
)  
)  
)

NO. 3:10-0043

**ORDER**

Presently pending is the motion for summary judgment of Defendant Barry Smith<sup>1</sup> (filed April 30, 2010; Docket Entry No. 30). The Plaintiff shall have until June 16, 2010, to file a response to the motion.

Rule 56(c) of the Federal Rules of Civil Procedure mandates summary judgment if the pleadings, the discovery and disclosure materials on file, and any affidavits show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law. Once the movant properly shows the absence of a genuine issue for trial, the adverse party "may not rely merely on allegations or denials in its own pleadings; rather, its response must - by affidavits or as otherwise provided in this rule - set out specific facts showing a genuine issue for trial." Fed.R.Civ.P. 56(e).

The plaintiff is hereby advised that if he wishes to controvert the proof of facts submitted by the defendant, he must submit proof in the form required by Fed.R.Civ.P.56(e), i.e., affidavits, answers to interrogatories, copies of documents.

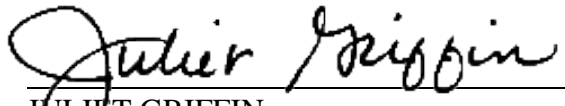
---

<sup>1</sup> The Defendant indicates that his correct name is Barry Smith, rather than William Smith, as named by the Plaintiff.

The plaintiff is also advised that if he wishes to controvert the proof of facts submitted by the defendant, he must comply with Local Rule 56.01(c) and must file, in addition to and with the plaintiff's response to the motion for summary judgment, a response to the defendants' statement of undisputed material facts. If the plaintiff disputes any of the facts listed by the defendant, the plaintiff must provide specific citations to the record for any such allegation of disputed fact. The plaintiff may include responses to each fact listed on the same copy of the defendant's statement of undisputed material facts with which he was served, and then file that document together with the plaintiff's response. If the plaintiff needs more space to respond to the defendant's statement of undisputed material facts, the plaintiff may attach additional pages thereto.

The plaintiff is further advised that failure to respond to the motion for summary judgment may result in a Recommendation to the District Judge that the claims be dismissed pursuant to Rule 56 of the Federal Rules of Civil Procedure.

It is so ORDERED.

  
\_\_\_\_\_  
JULIET GRIFFIN  
United States Magistrate Judge